

V. Notices of Action for Service Applications

A. Notification Requirements

The agency must document the basis for denial or termination of services on the notice to the client, except in cases where notice is not required. [10A NCAC 71 R .0603]

Except as otherwise provided by applicable program specific federal regulations, the county department of social services does not need to provide notification of action to the client when:

the agency is terminating services based on factual information confirming the death of the client;

the provision of protective services to children or protective services-evaluation to adults is initiated or terminated;

the county department of social services has applied for services in behalf of an individual for whom they have custody or guardianship for adults;

the county department of social services has applied for services in behalf of an individual who is incompetent incapacitated; or

the service is terminated at the end of a period of eligibility and the recipient has not requested that the services be continued [10A NCAC 67A .0202]

When notice is required, all notices of action shall be documented in the record and at a minimum contain a clear statement of:

the specific service(s) requested/provided and the individual(s) for whom each service is requested/provided;

the action which was or is to be taken;

the reasons for which the action was or is to be taken;

the regulations supporting this action;

the right to both a local and state level hearing and the method to obtain these hearings;

the right to be represented at these hearings by a personal representative, including an attorney obtained at the client's expense; and

the right upon timely request to continue services pending an appeal hearing and decision in cases involving termination or modification of assistance.

[NCGS 108A-79]

B. Notification Time Frames

The agency shall ensure that the notice of the eligibility decision on the applicant's request for service(s) is delivered to the client or mailed and postmarked no later than 15 calendar days after the eligibility decision is made or within 30 calendar days of the date of application, whichever comes first.

For additional services requested after the initial application, but while the recipient is still receiving service(s), the agency shall deliver notice to the client or mail and postmark the notice no later than 15 calendar days after the date the mailed request is received in the agency.

[10A NCAC 71R .0801]

Termination or modification of service (except when exempt from notice) becomes effective ten (10) work days after the notice of action is mailed or given to the recipient. However, the following exceptions may take effect on the date the notice of action is mailed or given to the recipient:

the modification is beneficial to the recipient or

federal regulations permit immediate termination or modification upon mailing or delivering notice and the Social Services Commission or the Department of Health and Human Services promulgates regulations adopting the federal regulations. In this case the recipient shall have no right to continued assistance pending a hearing.

[NCGS 108A-79]

Notice of termination may be given or sent on the day of termination, in the following circumstances:

the agency receives a clear written statement, signed by the recipient or his/her representative requesting that the services be terminated because they are no longer needed or wanted;

the recipient has been admitted to an institution and is no longer able to avail himself/herself to the service(s);

the recipient has moved to another county or state.

[10A NCAC 71R .0801]